

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter B. Madoff et al.                      Art Unit : 2761  
Serial No. : 09/392,018                                      Examiner : Unknown  
Filed : September 8, 1999  
Title : OPENING PRICE PROCESS FOR TRADING SYSTEM

**BOX MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed September 27, 1999 (a copy of which is enclosed), applicant as a large entity submits herewith the following:

- ☒ Payment of the basic filing fee of \$760;
- ☒ Payment of the additional claims fees of \$90;
- ☒ Payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration.
- ☒ ☐ A check in the total amount of \$980 is attached.
- ☒ A Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

November 16, 1999

Date of Deposit

Signature

*Marie Collins*

Marie Collins

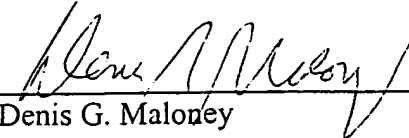
Typed or Printed Name of Person Signing Certificate

Applicant : Peter B. Mad. et al.  
Serial No. : 09/392,018  
Filed : September 8, 1999  
Page : 2

Att. y's Docket No.: 10575-004001

Respectfully submitted,

Date: 11/16/99

  
\_\_\_\_\_  
Denis G. Maloney  
Reg. No. 29,670

DGM/mgc

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

20004653.doc

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled OPENING PRICE PROCESS FOR TRADING SYSTEM, the specification of which

☐ is attached hereto.

☒ was filed on September 8, 1999 as Application Serial No. 09/392,018  
and was amended on \_\_\_\_\_.

☐ was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ and as amended under  
PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Denis G. Maloney, Reg. No. 29,670; David L. Feigenbaum, Reg. No. 30,378; Timothy A. French, Reg. No. 30,175; Cathy L. Peterson, Reg. No. 41,249; Robert A. Greenberg, Reg. No. 44,133.

Address all telephone calls to Denis G. Maloney at telephone number 617/542-5070.

Address all correspondence to Denis G. Maloney, Fish & Richardson P.C., 225 Franklin Street, Boston, MA 02110-2804.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full Name of Inventor: Peter B. Madoff

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence Address: 34 Pheasant Run, Old Westbury, New York 11568

Citizen of: USA

Post Office Address: 34 Pheasant Run, Old Westbury, New York 11568

Full Name of Inventor: Glen R. Shipway

Inventor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

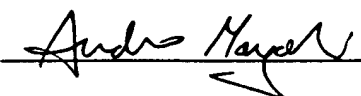
COMBINED DECLARATION AND POWER OF ATTORNEY CONTINUED

Residence Address: 6 Bristol-Town Road, Southbury, Connecticut 06488

Citizen of: USA

Post Office Address: 6 Bristol-Town Road, Southbury, Connecticut 06488

Full Name of Inventor: Andrew S. Margolin

Inventor's Signature: 

Date: 11-10-99

Residence Address: 54A Inwood Road, Port Washington, New York 11050

Citizen of: USA

Post Office Address: 54A Inwood Road, Port Washington, New York 11050

393820-1



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/092,018 09/08/99 MADOFF

10575/004001

09/02/0937

DENIS S. MALONEY  
FISH & RICHARDSON P.C.  
105 FRANKLIN STREET  
BOSTON, MA 02110-2604

NOT ASSIGNED

2751

DATE MAILED:

09/17/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☐ non-small entity is \$ 760.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 12 for 4 total claims over 20.

\$          for          independent claims over 3.

\$ 2160 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:         

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center

Initial Patent Examination Division (703) 308-1202